Hazardous Waste Connection

KDHE/Bureau of Waste Management
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The Preventative Aspects of RCRA have Successfully Minimized New Clean-Up Sites

By Bill Bider, Director, Bureau of Waste Management

When someone mentions RCRA, which stands for the Resource Conservation and Recovery Act, people usually think of the rules that relate to hazardous waste management. RCRA actually has a much broader application addressing other things such as non-hazardous solid waste disposal, waste reduction, underground storage tank operations, clean-up of old hazardous waste sites, and even resource conservation. RCRA is an old law originally passed in 1976 with the basic "cradle to grave" hazardous waste management system taking effect in 1980, about the time I began my environmental career.

Today, KDHE primarily considers RCRA to be a preventative program designed to minimize the impacts of hazardous waste management. If hazardous waste is mismanaged, various adverse results likely follow including impacts to public health and to air and water quality. Hazardous waste mismanagement by a generator can expose employees and neighbors to hazardous materials that may cause immediate or long-term health impacts. Proper storage, transportation, and disposal will minimize the potential for exposures and releases to the environment. The RCRA and CERCLA clean-up programs are only needed because hazardous wastes were not properly managed in the past causing soil, groundwater, and surface water to become contaminated.

Some people may wonder why RCRA and associated hazardous waste regulations are so detailed with respect to storage, labeling, recordkeeping, employee training, manifesting, etc. While the requirements may seem overly detailed and very prescriptive, over thirty years of experience has demonstrated that each requirement contributes to a successful preventative program to avoid future impacts. In addition, compliance with these requirements will reduce financial liability of the generator, transporter, or disposal facility. Mismanagement at any stage in the process can result in costly clean-up requirements, employee impacts, and potential fines.

Conducting a Hazardous Waste Determination

by Rebecca Wenner, Bureau of Waste Management

Conducting and documenting accurate hazardous waste determinations on all waste streams is an important part of any good environmental management program. Instructions on how to conduct a waste determination can be found in KDHE Technical Guidance Document (TGD) HW-2011-G1, "Hazardous Waste Determinations and Documentation," as well as the "Training/Compliance Manual." Each of these documents is available on the BWM website: http://www.kdheks.gov/waste/index.html. Look for the Waste Mgmt Links column on the right side of the web page and select the Solid & Hazardous Waste Compliance Documents link. On this page, the link to the manual is located in the Form and Examples section and the link to the TGD is located in the BWM Technical Guidance Documents section. Both documents can also be found in the Hazardous Waste Generator Handbook. The link to the handbook can be found on the Solid & Hazardous Waste Compliance Documents page.

Generally, the following steps should be followed in conducting a waste determination:

Note that waste determinations never expire. As long as you maintain documentation of your waste determination and nothing in your process changes, there is no need to repeat this process.

1. Write down the name of the waste stream.
2. Gather all available information about this waste stream. Information sources can include Safety Data Sheets (SDS) and verbal information from the operator of the process that generates the waste stream.
3. Ensure that the material is truly a waste. This means that the material will not be used again by your facility or by anyone else in its current state.
    a. An example of a material that is a waste that is often overlooked is waste solvent that is being accumulated in a container near a solvent distillation unit. Until this solvent is recycled it is a waste and is subject to waste determination.
    b. An example of a material that is NOT a waste is solvent that is being used to soak painting tips and brushes throughout the week. As long as the solvent is being used for this purpose, it is not a waste.
4. Make sure that your waste doesn't have some type of exemption or exclusion from the definition of solid waste or the definition of hazardous waste.
    a. Wastewater that is being discharged to a publicly owned treatment works (POTW), an on-site wastewater pre-treatment system that discharges to a POTW, or a system with a National Pollutant Discharge Elimination System (NPDES) permit is an example of an exempt waste that does not require a waste determination.
    b. Waste acid being accumulated in a container that is an elementary neutralization system is another example of an exempt waste that does not require a waste determination. However, if you accumulate waste acid in a container and then add it to the elementary neutralization system for treatment and discharge, it would not be exempt and would require a waste determination.
5. Review EPA's four listings for hazardous waste (F, K, U, and P) and see if your waste meets the definitions of any of the listed hazardous wastes.
6. Review the definitions for the four characteristics of a hazardous waste (ignitability, corrosivity, reactivity, and toxicity) and see if your waste meets any of these characteristics. This step may require analytical testing if there is not enough information available to tell you about the characteristics of your waste. If you need to conduct analytical testing, do the following:
    a. Ensure that the analytical laboratory used for the testing is certified by KDHE. A list of certified laboratories can be found on the Internet at: http://www.kdheks.gov/envlab/disclaimer.html
    b. Ensure that you take a representative sample of the waste. If the consistency or make-up of the waste varies throughout the year, we recommend you take several samples during the year and use the most conservative results, even if they show that the waste is hazardous. Alternatively, it may be helpful to study your waste and determine what makes it hazardous sometimes, but not other times. Perhaps you can alter your process to avoid the hazardous characteristics all the time.
7. Review all of the information from each step in the process to determine if your waste is hazardous and what waste codes apply.
8. Record all of the information from each step in the process. Maintain this documentation for at least 3 years from the date you send the last shipment of this waste off-site.

Hazardous Waste Management Training

by Rebecca Wenner, Bureau of Waste Management

All Kansas Small Quantity Generators (KSQGs), Small Quantity Generators (SQGs), and Large Quantity Generators (LQGs) must train their employees on their specific hazardous waste management duties. The requirements for KSQGs and SQGs are not as extensive as those for LQGs.

All KSQGs and SQGs must "ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies" per 40 CFR 262.34(d)(5)(iii). They must ensure that this training is provided within 6 months of hiring a new employee or transferring someone to a new position, and that the training is provided annually after that. All training must be documented and the records maintained for at least 3 years.

A question that KDHE often receives is which employees need this training. The short answer is that the training should be provided to anyone at your facility that has responsibilities for handling and/or managing hazardous waste. The training does not have to be the same for all employees. If an employee's only responsibility is to set up a new satellite accumulation container in their department, then they only need to be trained on the requirements for a satellite accumulation container holding the types of hazardous waste that they will be required to manage. For KSQGs and SQGs, it is a good idea to maintain a list of employees that manage hazardous waste in your facility. KDHE has developed a document that can help you get started on that. The document is called the *"Training/Compliance Manual"*, and it is available on our website: http://www.kdheks.gov/waste/index.html. Look for the Waste Mgmt Links column on the right side of the web page and select the Solid & Hazardous Waste Compliance Documents link. On this page, the link to the manual is located in the Form and Examples section. The manual can also be found as part of the Hazardous Waste Generator Handbook. The link to the handbook can be found on the Solid & Hazardous Waste Compliance Documents page.

LQGs have more extensive requirements for training. Those requirements can be found in 40 CFR 265.16. The training must teach employees to perform their duties in a way that ensures the facility's compliance with the hazardous waste requirements, and must be directed by a person trained in hazardous waste management procedures. Generally this means that if the training is done in-house, the trainer must be able to document that they understand the state and federal hazardous waste statutes and regulations through documented training, or from extensive experience. Since the training must be site-specific for the facility, a general HAZMAT training course will not meet the training requirement. LQGs must document the following information regarding their training program:

1. The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job.
2. A written job description for each position listed under number 1. The description must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position. The description of duties must include each employee's hazardous waste management duties. This may require deviating from standard job descriptions provided by the human resources (HR) department.
3. A written description of the type and amount of both introductory and continuing training that will be given to each person filing each position listed in number 1.
4. Training must be provided within 6 months of hire or transfer to a new position, and must be repeated annually after that.
5. Documentation of the training must be maintained on-site for a minimum of 3 years from the time an employee leaves employment. Records on current employees must be maintained until closure of the facility.

Solvent-Contaminated Wipes in Kansas

by Rebecca Wenner, Bureau of Waste Management

EPA released its new rule on solvent-contaminated wipes, which became effective January 31, 2014. In order for the rule to be effective in any state, that state must adopt the rule. Since Kansas has not yet adopted the new rule, we implemented a new policy that can be found on our website at: **http://www.kdheks.gov/waste/p_policies.html.** The policy says that the new rule does not significantly deviate from Kansas' previous interpretations, and therefore it can be followed in Kansas now. We also developed Technical Guidance Document (TGD) HW-1995-G2 called *"Solvent Contaminated Wipes"* that explains the rule. The TGD can be found on our website at: **http://www.kdheks.gov/waste/p_techguides.html**. The rule allows wipes contaminated with certain types of solvents to be disposed of in lined, municipal solid waste landfills. One area of concern in following this rule is that not all Kansas landfills are lined (i.e., have composite liners). Therefore, it is very important that if you choose to dispose of your eligible solvent-contaminated wipes at a Kansas landfill that you use one that is lined. The TGD provides a list of lined landfills that can receive solvent-contaminated wipes. The 33 small arid landfills in western Kansas are unlined and not eligible for the disposal of these solvent-contaminated wipes.

HW Generator Workshops

The basic workshop (offered in the morning) is designed as an introductory course in Kansas HW regulations (RCRA).

The advance workshop (offered in the afternoon) will provide a more detailed look plus additional advanced topics.

Workshop dates and locations are:

9/10/2014	Chanute
9/16/2014	Wichita
9/17/2014	Salina
9/23/2014	Kansas City Area
9/25/2014	Dodge City

For more information or to register, go to http://www.kdheks.gov/waste. If you have questions, contact Rebecca Wenner at 785-296-1604 or at mailto:rwenner@kdheks.gov.

RCRA Facts

- This fall, KDHE's South Central District Office in Wichita will be moving to a new location. The new address will be:

  KDHE South Central District Office
  RH Garvey Bldg
  300 West Douglas, Suite 700
  Wichita, KS 67202

- Victoria O'Brien is the new District Environmental Administrator in KDHE's Southeast District Office in Chanute. As a result, KDHE will be hiring a new solid and hazardous waste inspector in that office.

- Sarah Fulton has been promoted to the Office of Personnel Services for KDHE in the Central Office in Topeka. Christine Mennicke will be acting as the interim contact for hazardous waste fees, EPA ID numbers, and hazardous waste transporter and used oil registrations. Christine's phone number is 785-296-0724.